

REMARKS

The Examiner rejected claim 5 under 35 U.S.C. §112, second paragraph.

The Examiner rejected claims 1-4, 6-16 and 18-25 under 35 U.S.C. §103(a) as allegedly being unpatentable over US Pat No 5,819,251 issued to Kremer et al. (hereafter Kremer '251).

The Examiner rejected claims 5 and 17 under 35 U.S.C. §103(a) as allegedly being unpatentable over Kremer '251 in view of Pub No US 2003/0200197 issued to Long et al. (hereafter Long '197).

Applicants respectfully traverse the §112 and §103 rejections with the following arguments.

35 U.S.C. §112

The Examiner rejected claim 5 under 35 U.S.C. §112, second paragraph. The Examiner argues: "Claim 5 recites "wherein if a plurality of access control groups are associated with a given instance then each such access control group of the plurality of access control groups has an independent level of access control relating to the given instance." The scope of the present invention cannot be determined as it is not clear whether applicant is claiming a plurality of access control groups."

In response to the preceding argument by the Examiner, Applicants contend that the preceding feature of claim 5 is a conditional feature via the "if ... then ..." language. Applicants maintain that such conditional features are not in violation of 35 U.S.C. §112, second paragraph. Applicants note that there are thousands of issued patents having similar conditional features.

Based on the preceding argument, Applicants assert that the rejection of claim 5 under 35 U.S.C. §112, second paragraph is improper and should be withdrawn.

35 U.S.C. §103

The Examiner rejected claims 1-4, 6-16 and 18-25 under 35 U.S.C. §103(a) as allegedly being unpatentable over US Pat No 5,819,251 issued to Kremer et al. (hereafter Kremer '251).

Applicants respectfully contend that claims 1, 13, and 25 are not unpatentable over Kremer '251, because Kremer '251 does not teach or suggest each and every feature of claims 1, 13, and 25.

As a first example illustrating that Kremer '251 does not teach or suggest each and every feature of claims 1, 13, and 25, Kremer '251 does not teach or suggest the following feature of claim 1 (and similarly for claims 13 and 25): "creating the template based on design information, said creating the template implemented by a template manager".

The Examiner argues that Kremer '251 discloses: "creating the template [data dictionary 130, Fig 3, col 8, lines 53-60 and col 9, lines 1-7] based on design information, said creating the template implemented by a template manager [RDMS 18, Fig 2]". In other words, the Examiner argues that the data dictionary 130 is a template that is created by the template manager of RDMS 18.

In response, Applicants contend that Kremer does not disclose that the RDMS 18 creates the data dictionary 130. In fact, Kremer discloses only the existence of the data dictionary 130. Kremer is totally silent as to who creates the data dictionary, and Kremer is totally silent as to how the data dictionary is created.

As a second example illustrating that Kremer '251 does not teach or suggest each and every feature of claims 1, 13, and 25, Kremer '251 does not teach or suggest the following feature of claim 1 (and similarly for claims 13 and 25): "storing the template in a template manager database, said storing the template implemented by the template manager".

The Examiner argues that Kremer '251 discloses: "storing the template in a template manager database, said storing the template implemented by the template manager [col 8, lines 53-60]".

In response, Applicants contend that the Examiner has not identified a template manager database in Kremer '251. Applicants note that col 8, lines 53-60 of Kremer '251 identify only the data dictionary 130 which the Examiner has previously identified as the template of claims 1, 13, and 25. Applicants assert that col 8, lines 53-60 of Kremer '251 does not identify a template manager database. Therefore, based on the Examiner's assertion that the data dictionary 130 is a template, it is clear that the data dictionary 130 cannot be a template manager database.

In addition, claims 1, 13, and 25 require **storing** the template in the template manager database, and col 8, lines 53-60 of Kremer '251 does not disclose storing the template. Col 8, lines 53-60 of Kremer '251 discloses storing only preferences for non-relational data components which is not the template according to the Examiner, since the Examiner has identified the data dictionary 130 as the template.

As a second example illustrating that Kremer '251 does not teach or suggest each and every feature of claims 1, 13, and 25, Kremer '251 does not teach or suggest the following features of claim 1 (and similarly for claims 13 and 25): "generating the N instances based on the template and on control information for the N instances, said control information including

configuration control information, said configuration control information identifying N locations corresponding to the N instances, said N at least 2, said generating the N instances implemented by the template manager; storing the N instances in the template manager database, said storing the N instances implemented by the template manager; and transmitting the N instances to the corresponding N locations, said transmitting the N instances implemented by the template manager”.

The Examiner argues: “Official Notice is taken that the following is well-known and expected in the art. generating the N instances based on the template and on control information for the N instances, said control information including configuration control information, said configuration control information identifying N locations corresponding to the N instances, said N at least 2, said generating the N instances implemented by the template manager; storing the N instances in the template manager database, said storing the N instances implemented by the template manager; and transmitting the N instances to the corresponding N locations, said transmitting the N instances implemented by the template manager.”

In response, Applicants do not accept the Examiner’s allegation of Official Notice. Applicants contend that what the Examiner alleges is well-known and expected is in fact not well-known and expected. The Examiner is obligated to supply references to support what the Examiner alleges to be well-known and expected.

In addition, Applicants contend that the Examiner’s argument for modifying Kremer ‘252 is not persuasive. The Examiner argues: “The ordinarily skilled artisan would have been motivated to modify Kremer ‘251 per the above for the purpose of making available the RDMS

at a plurality of client sites for the particular use of the client.”. In response, Applicants contend that a RDMS could be made available at plurality of client sites without use of the preceding features of claims 1, 13, and 25. For example, a RDMS on a central server may be made available to a plurality of client workstations or personal computers which are connected to the central server, independent of the preceding features of claims 1, 13, and 25.

Based on the preceding arguments, Applicants respectfully maintain that claims 1, 13, and 25 are not unpatentable over Kremer ‘251, and that claims 1, 13, and 25 are in condition for allowance. Since claims 2-12 depend from claim 1, Applicants contend that claims 2-12 are likewise in condition for allowance. Since claims 14-24 depend from claim 1, Applicants contend that claims 14-24 are likewise in condition for allowance.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below.

Date: 02/13/2004

Jack P. Friedman
Jack P. Friedman
Registration No. 44,688

Schmeiser, Olsen & Watts
3 Lear Jet Lane, Suite 201
Latham, New York 12110
(518) 220-1850